FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5342 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.K.S.Bhadti for the Petitioner.

CORAM : R.S. MOHITE,J.
DATED : 16.11.2005.

P.C.

1. By this writ petition, what is challenged is the finding of the revenue authorities in R.T.S. proceeding. There is concurrent finding of the revenue authorities which had upheld the revenue mutation entry No.3134 and mutation entry no.3136. The petitioner is a real brother of the contesting respondents who are his sisters. He claimed exclusive right on the basis of a will. There is also finding by the revenue authorities that the documents indicate that the property was joint family

property, though the petitioner contends that it was the self acquired property of his father. Admittedly, the father's document of title was never produced before the revenue authorities. The sisters have also challenged the purported will by filing a civil suit, which is still pending. The petitioner will have a right to apply for mutation after the decision of the civil suit, in case the finding is in his favour. In my view, this is not a fit case for interference. Hence, petition rejected.

(R. S. MOHITE, J.)

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